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Second periodic report of the Democratic People's Republic of Korea* on its implementation of the International Covenant on Civil and Political Rights

[25 December 1999]

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Introduction

1. The Democratic People's Republic of Korea acceded to the International Covenant on Civil and Political Rights in September 1981. In accordance with Article 40 of the Covenant, the Government of the DPRK submitted its initial report (CCPR/C/22/ADD 3) on October 24, 1983 and the supplementary report (CCPR/C/22/ADD 5) on April 2, 1984.

2. This is the second periodic report covering in principle the period from 1984 to 1997. During this period, the Constitution was amended and supplemented, and the Criminal Law, the Criminal Procedures Act, the Civil Law, the Family Law, the Civil Procedures Act, the Lawyers Law and many other laws closely related with the civil and political rights were either adopted, amended or supplemented.

3. For the general information of the DPRK, please refer to the Core Document.

Article 1. Right to Self-Determination

4. In the DPRK, people have the right to self-determination. Article 1 of the Constitution stipulates: "The DPRK is an independent socialist state representing the interests of all the Korean people". The sovereignty of the DPRK resides in the workers, peasants, working intellectuals and all other working people. The state determines the political system and pursues economic, social and cultural development according to the wish and requirement of the people.

5. The state makes an effective use of the national resources for the promotion of people's welfare. The state mobilizes land and all other domestic natural resources for the construction of self-reliant national economy and the promotion of the material and cultural wellbeing of the people by adopting the Land Law, the Law on Underground Natural Resources, the Forest Law, the Law on Water Resources, the Law on the Protection of the Environment, the Law on the Protection of Useful Animals, etc.

6. The state respects the right to self-determination of other countries and nations. In accordance with article 17 of the Constitution, the DPRK has adopted independence, peace and friendship as the principles of its external activities and establishes diplomatic as well as political, economic and cultural relations with all friendly countries on the principles of complete equality, independence, mutual respect, non-interference in each other's internal affairs and mutual benefit. The DPRK opposes all forms of domination, subjugation, aggression and interference and resolutely supports and encourages the struggle of all people for their countries' sovereignty and national liberation. The DPRK supports the Palestinian people in their struggle for national independence, sovereignty and the founding of an independent state.

Article 2. Obligation to Respect Human Rights

Legislative and Other Measures

7. The Constitution was amended and supplemented in April 1992 and in September 1998. The Constitution provides for the principles and popular policies to be maintained in political, economic, cultural and all other fields of social life, declares that every citizen is particularly

ensured the true democratic rights, freedom, happy material and cultural life and stipulates the basic rights of citizens including the right to equality, the right to vote and to be elected, the freedom of speech, press, assembly, demonstration and association, the freedom of religious belief, the right to complaint or petition, the right to work and relaxation, the right to free medical care and education, the freedom of literary and artistic activities, the freedom of residence and travel, the right to gender equality, the protection of marriage and family, the inviolability of the person and the home and privacy of correspondence, etc.

8. The Criminal Law was amended and supplemented in February 1987 and in March 1995. By the amendment, the maximum period of reform through labor was reduced from 20 years to 15 years and the minimum from 1 year to 6 months. Besides, the number of the provisions whereby capital punishment was possible was reduced from 33 to 5.

9. On the occasion of the amendment and supplement of the Criminal Procedures Act in January 1992 and in April 1995, great attention was paid to guaranteeing better the rights provided in the Covenant, especially articles 6, 14 and 26 for every individual person facing a trial under the charge of a crime. The Criminal Procedures Act systemized and concretized the right of defense of the accused in a complete chapter so as to ensure a better exercise of the right.

10. The DPRK brought together the provisions of civil affairs that had formerly been set forth in different laws including the civil regulations to newly adopt the Civil Law in September 1990. This Law thoroughly guarantees the civil rights of people through the provisions of property ownership.

11. The DPRK adopted the Family Law in October 1990. This Law provides for the right to sex equality, the protection of family, the right to marriage, etc.

12. The DPRK adopted the Treaty Law in December 1998. Article 17 of the Law provides: "The institution that has concluded a treaty should discharge the duties under the treaty without fail." By this provision, the CCPR has the same effect as a domestic law.

13. The DPRK took measures to make the content of the Covenant informed to the state organs, public organizations and the masses of people. Educational institutions, along with giving human rights education, translated into Korean and published the international human rights instruments, so that they may be used by the people's power organs, judicial, procuratorial and public security organs, economic and cultural establishments, public organizations and the masses of people. The state also widely introduced and disseminated through mass media the requirements of the Covenant for the protection and improvement of human rights and the means to realize them, and organized seminars, short courses, etc.

14. The state has taken measures to ensure that the officials of people's power organs, judicial, procuratorial and public security organs protect human rights thoroughly embodying in their activities the ideal of "believe in people as in God" and the motto of "Serve the people".

Respect and Guarantee of Individual's Rights under the Covenant

15. The Constitution stipulates in article 65: "Citizens enjoy equal rights in all spheres of state and public activity." The DPRK citizens are ensured all the rights recognized in the Covenant without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The DPRK citizens are, according to article 2 of the Citizenship Law, those who held the citizenship of Korea and did not renounce it until the founding of the DPRK and their children, and those who were either foreign citizens or stateless but have acquired the DPRK citizenship through legal procedures.

16. The Constitution stipulates in article 16: "The DPRK shall guarantee the legal rights and interests of foreigners in its region." By force of this provision, all the foreigners who stay, reside or travel in the region of the DPRK are ensured every right equal to the basic rights of citizens under the Constitution without any distinction, except the right to vote and to be elected.

Remedy for Human Rights Violation

17. Human rights violations are relieved or compensated in accordance with the following procedures.

(a) The procedures of dealing with complaints:

Article 69 of the Constitution states: "Citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." The Law on Complaint and Petition provides for the procedures of submitting complaints and petition as well as acceptance, registration, investigation of and dealing with them. Under this law, citizens are entitled to submit complaints requiring the interruption of encroachment upon their rights and interest or the compensation for the encroached rights and interest. The official of the state organ that has received a complaint registers it in time, visit the person to have a talk with him or her and takes measure to interrupt or to compensate for the encroachment of the complainer's rights.

(b) The procedures of claim for damages in criminal suits:

Citizens who have suffered loss due to a criminal act may lodge before the court a claim for damages against the person responsible, under article 19 of the Criminal Procedures Act. A victim who has failed to claim for damages before the court examining the criminal case may hand in the claim separately. The public prosecutor may present a claim for damages directly to the court in the interests of the citizens under article 19, paragraph 5 of the Act. A claim for damages is examined at the court simultaneously with the given criminal case under article 20. But in case this interferes with the examination of the criminal case, it may be settled separately through the judicial proceedings to examine the claim for damages.

(c) The procedures of civil suit:

Citizens may refer to the court for the protection of their civil rights and interests under article 63 of the Civil Procedures Act. So can public prosecutors if necessary for the protection

of the interests of citizens. The court examines the case and decides yes or no for the claim under article 129 of the Civil Procedures Act.

(d) The procedures of criminal compensation:

Article 2 of the Regulation on Criminal Compensation provides: "The state shall compensate for the mental and physical suffering and the property loss of the person who has been arrested and detained or punished innocently by investigation, preliminary examination or judicatory organs. The state compensation shall be undertaken by the investigation, preliminary examination or judicatory organs responsible for dealing with the innocent person." Criminal compensation is offered when a person who has been illegally arrested and detained is released under the order of a public prosecutor at the stage of investigation, preliminary examination or prosecution, when a person who has been illegally detained is found innocent in the first hearing and when a person who has been detained or sentenced to servitude in the first hearing is found innocent in the second hearing, the hearing of extraordinary appeal or rehearing. Under article 7 of the Regulation, the claim for damages is lodged before the court concerned. The court decides for the claim in case it proves to be reasonable and against the claim in case it proves to be unreasonable. Damages are paid within one month from the day when the copy of court decision is received by the organ to pay the damages.

Article 3. Equal Rights of Men and Women

Measures by the State for Gender Equality

18. On July 30, 1946, the initial stage of the new country building, the Provisional People's Committee of North Korea promulgated the Law on the Equality of Sexes in North Korea to give women equal rights with men for the first time in the Korean history. This law stipulates that women shall have equal rights with men in the economic, cultural, political and all other spheres of state and public life, that women shall enjoy the right to vote and to be elected on equal terms with men, the right to work and the right to inherit property and land and that such violation of the rights of women as polygamy and the act of selling women as a wife or a concubine shall be prohibited. Since then, women's equality has been fully realized.

19. The DPRK has fixed gender equality by the Constitution. Article 77 of the Constitution stipulates: "Women are accorded an equal social status and rights with men. The state shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with a few or more children, a wide network of maternity hospitals, nurseries and kindergartens and other measures. The state shall provide all conditions for a woman to play a full role in society." There is no law of discrimination against women in the DPRK.

20. The DPRK took legal measures to treat women preferentially through the adoption of the Labor Law, the Law on Nursing and Upbringing of Children, the Public Health Law and other laws.

(a) The Labor Law provides for various policies to secure women the conditions for working life, which are reliably carried out. Under the Law, the working hours per day of a woman with three or more children are six hours. The state provides women with all conditions

to take part in social labor. The local government bodies and the relevant state organs, enterprises and social cooperative organizations develop nurseries, kindergartens, children's wards and public service facilities for the convenience of working women, and organize housewives' workteam and housewives' cooperatives so that women who do not go to work may join them according to their skill if they wish. The state pays special attention to the labor safety of working women. It is not permitted to assign arduous and harmful labor to women, and to put pregnant women or nursing mothers on the night shifts. In addition to the regular and additional holidays, working women are entitled to maternity leave of 60 days before and 90 days after childbirth, irrespective of the length of their service.

(b) The Public Health Law and the Law on Nursing and Upbringing of Children provide for the policies to protect mothers and children exceptionally. The state grants women maternity leave. Their wages, provisions and shares of distribution for the period of maternity leave are borne by the state or by the social and cooperative organizations. The state has all pregnant women registered in good time at maternity hospitals or other medical establishments, provides systematic medical service and midwifery to them free of charge and protects their health after childbirth. The state assigns pregnant women to suitable light work and allows mothers with babies the suckling time during working hours. The state reduces the working hours of mothers with many children on full pay. The state grants special favors both to the mothers who have two or more babies at a birth and to the babies. The mothers are given a longer period of leave with pay after the childbirth. The state supplies triplets free of charge with clothes and blankets, and milk goods for a fixed period, grants subsidies for their upbringing till they reach school age and responsibly looks after the health of the babies and mothers by specifically designating medical workers for the purpose. The state sets up nurseries and kindergartens rationally in residential quarters and in the vicinity of women's work places, and organizes and runs weekly or monthly nurseries and kindergartens on a wide scale to fully guarantee the women's public activities.

Exercise of Equal Rights by Women in All Spheres of State and Social Life

21. In the DPRK, women participate in the political, economic, social and cultural activities on equal terms with men. Women account for a large proportion of the deputies to people's assemblies at all levels and the leading personnel of the state administrative and economic bodies. In 1998, female technicians and specialists numbered over 726,000. Women occupied 48.4% of the total employment in the national economy. Women are working in the fields appropriate to their ability and constitution including the management offices of factory or enterprise, textile or foodstuff industry, commercial or welfare services, education, culture and public health.

Sex ratio of different fields is as follows as of 1998.

Diagram 1. Female proportion of deputies to People's Assemblies

Supreme People's Assembly	20.1 %
Local People's Assemblies (provincial/municipal, county)	21.9 %

Diagram 2. Female proportion in major fields of employment

Industry	Agriculture	Construction	Transportation	Communication
53.1	49.2	23.9	19.1	59.2
Commodity Circulation	Education	Culture	Public Health	
67.9	54.9	43.1	67.3	

Diagram 3. Proportion of female pupils and students

Primary School	48.7
Senior Middle School	48.7
University/College	34.4

22. Women have equal rights with men in family life, too. Article 18 of the Family Law stipulates: "The husband and wife shall have equal rights within the family". Under this Law, the husband and the wife keep their full name, choose their occupation according to their desires and skills and participate in a social and political life. The husband and the wife are duty-bound to support their partner should he or she have lost the ability to work and are equal in relation to their children.

23. Article 11 of the Citizenship Law stipulates: "The DPRK citizenship shall not change by marriage, divorce, adoption or its dissolution." Under this provision, women's citizenship does not change by marriage or divorce.

Article 4. Restriction on Human Rights during a State of Emergency

24. In the DPRK, there is no legislation by which emergency may be proclaimed and forcible measures taken in the face of political or economic chaos or natural disaster. This is one of the historical traditions and features of state management in the DPRK. But a state of war is to be proclaimed when a war should break out and threaten the existence of the nation. Article 103 of the Constitution specifies that the National Defense Commission has the authority to "proclaim a state of war and mobilization order in the country". Decision No. 10 of the Presidium of the Supreme People's Assembly "On the Interpretation of Article 103, Paragraph 5 of the Socialist Constitution of the DPRK" states: "The concrete legislation concerning the proclamation of a

state of war and mobilization order shall be adopted separately in conformity with the actual situation of the war. In this case, however, non-derogative rights of citizens may not be restricted".

25. There has not been any other state of war in the DPRK than the one proclaimed in June 1950 and withdrawn in July 1953.

Article 5. Prohibition of Arbitrary Interpretation of the Covenant

26. The DPRK regards it as its duty to make active efforts to put into effect the human rights recognized by the Covenant. The state sees to it that the state institutions, organizations and citizens pay primary attention to deeply understanding the basic idea of the Covenant and the principal requirements of each provision to correctly interpret and apply them. Besides, the state does not tolerate any interpretation that restricts the rights and freedom set forth in the Covenant.

27. The state maintains the policy of steadily promoting the human rights which are recognized or existing by national legislation or custom in step with the development of the state and social system, without restriction or derogation for the reason that they are not indicated in the Covenant.

Article 6. Right to Life and Restriction on Capital Punishment

Legal Stipulation of the Right to Life

28. Everyone has the inherent right to life. This right is guaranteed by article 79 of the Constitution providing inviolability of the person and the laws on criminal affairs.

29. The Law on the Protection of Life, Health, Freedom and Honor enacted by the Provisional People's Committee of North Korea in January 1947 followed by the laws on criminal affairs extensively provided for the protection of the right to life. The current Criminal Law regards any infringement on personal life and health as a serious offense and stipulates penal responsibility in articles 45 and 141-149. These provisions are applied without exception to the acts of arbitrary deprivation of life and terrorism as well.

30. The state strictly controls the use of weapons by public security men in order to safeguard the life of person. Article 35 of the Law on Public Security Control provides that no weapons may be used except when the life of the public security man or anybody else is threatened or there is evidently no other choice to arrest the criminal on the run.

31. The illegal deprivation of life is compensated for by criminal remedy procedures. Article 5, paragraph 3 of the Regulation on Criminal Compensation specifies: "Illegal execution of capital punishment shall be compensated for by the full salary the person would have got during the days of illegal detention added by the same salary for 5 years".

Protection of the Right to Life from War and Other Threats

32. The DPRK considers an aggressive war, especially thermonuclear war, as the most serious threat to the life of mankind and resolutely rejects it. Article 17 of the Constitution states that the DPRK shall oppose all forms of aggression. The primary issue at present for the protection of the right to life of people is to remove the danger of war from the Korean peninsula, ensure peace of the country and realize its independent peaceful reunification. The DPRK Government has made consistent efforts to realize national reunification by the three principles it put forward – independently without foreign interference, peacefully without resorting to armed forces and through great national unity transcending the differences in ideology, ideal and social system. In view of the actual realities where irretrievably serious consequences may be brought about if one side attempts to enforce its social system on the other after half a century since the set-up of different systems in the north and the south, the DPRK considers it the best solution of doing away with the danger of war and attaining national reunification to realize confederacy based on one nation, one state, two social systems and two governments. The DPRK Government is making every effort to materialize this reasonable and fair plan of national reunification that does not pursue the predominance or interest of one single side doing harm to the other, but roots out the danger of war constantly hovering over the Korean peninsula and contributes to the world peace and security.

33. The state encourages the improvement of material and cultural conditions and environment of people's life from the ideal of Juche that regards human being as the master of nature and society and the most precious being in the world and makes everything serve for mankind.

(a) The state has taken legislative measures for the protection of the living environment of people and is materializing them. Article 57 of the Constitution provides: "The state shall adopt measures to protect the environment in preference to production, preserve and promote the natural environment and prevent environmental pollution so as to provide the people with a hygienic environment and working conditions". Article 7 of the Law on the Protection of the Environment stipulates: "Prohibiting the development, testing and use of nuclear and chemical weapons and preventing any damage to the environment are the unanimous aspiration and desire of the people throughout the world. The DPRK shall fight against the devastation and pollution of the environment through the development, testing, and use of nuclear and chemical weapons on the Korean peninsula and in the surrounding area." And article 4 of the said Law stipulates: "The state shall direct and control factories, enterprises and cooperative organizations so that they take steps for preventing environmental pollution prior to beginning production and shall ensure that they steadily modernize their material and technical means for protecting the environment." Under the requirement of the Constitution and the Law on the Protection of the Environment, the state takes practical measures to prevent pollution of air, water, soil and sea and such environmental destruction as noise, vibration, ground subsidence, stink and to create better life environment. Now, Pyongyang area records one fifteenth of the international permissible norm in sulphurous acid gas and is far below it in carbon monoxide. Taedong River that flows across the center of Pyongyang has 8.3 mg of dissolved oxygen per one liter which is a great amount, 1.36 mg of biochemical requirement of oxygen which is far below the international norm and has 19 kinds of organic compounds which is of good value.

(b) The state has taken the legislative measures to protect human life and improve health, and thoroughly carries them out. Article 56 of the Constitution provides: "The state shall protect people's lives and improve the working people's health by consolidating and developing the system of universal free medical service and improving the district doctor system and the system of preventive medicine." The state has enacted the Public Health Law, the Law on Nursing and Upbringing of Children, the Law on Medical Care, the Law on Prevention of Infectious Diseases, the Law on Administration of Medicaments, the Public Sanitation Law, the Law on Sanitary Quarantine on the Boundaries, etc. These laws provide for the system, method and procedures for the state to be responsible for protecting and improving the life and health of people. Under these laws, the complete and universal free medical care system, the district-doctor system and the policy of prophylactic medicine have been introduced and all such work is going on smoothly as upbringing children at state and public expense, discovery and isolation of the source and interruption of the trace of an epidemic, vaccination, medical examination and diagnosis, treatment of patients, production, check-up, storage, supply and use of medicament, foodstuff and public sanitation, etc. As a result, the average life span has increased and the infant mortality decreased.

Diagram 4. Average Life Span

Year	Average Life Span
1944	38
1994	74.5

Diagram 5. Infant Mortality

Year	Infant Mortality Rate
1944	204
1993	14.1

(a) Recent years have witnessed some difficulties in the guarantee of the right to life in the DPRK. Due to the successive serious natural disasters since 1995 and the external factors, the supply of food and medicament is insufficient, whereby undernourishment has appeared among children.

Diagram 6. Rate of Infant Mortality and Malnutrition

Year	Infant Mortality Rate	Malnutrition Rate under 7
1998	23.5	15.6

The state has taken an active step to overcome the current difficulties as soon as possible by its own utmost effort to do away with the aftermath of natural disasters and revive the economy along with the international humanitarian cooperation.

34. In the DPRK, disappearance of persons has not been raised as a public matter. Disappearance is checked at short notice by the regular population administration work of the people's committees of all levels, the activities of public security organs and the report of institutions, enterprises, organizations and citizens, so that due measures are taken.

Procedures of and Restriction on Capital Punishment

35. Death penalty is imposed only on the exceptionally serious crimes in strict accordance with the law. Death penalty is confined to the extremely grave five kinds of crimes (i.e. conspiracy against the state power, high treason, terrorism, anti-national treachery, international murder) and to particularly serious cases at that. For other kinds of crimes, death penalty is not imposed in any case.

36. Sentence of death is to be declared only by the Central Court or the court of province (or municipality directly under central authority) in the name of the DPRK according to articles 181 and 184 of the Criminal Procedures Act. City or County people's courts, the lower organs of justice, have no authority to decide sentence of death.

37. Article 297 of the Criminal Procedures Act reads: "The death penalty may be executed only with the approval of the Presidium of the Supreme People's Assembly of the DPRK". A request for the approval of a death penalty is made by the Central Court, the supreme organ of justice. The Central Court thoroughly examines the established death sentence without exception and in cases where a judgement is not accepted to be reasonable, adjusts it through the procedures of an extraordinary appeal according to articles 275 of the Act. If the judgement of a death penalty proves to be acceptable after examination, the Central Court proposes it to the Presidium of the Supreme People's Assembly, the highest state power organ of the DPRK. The Presidium examines the proposal and either approves or grants special pardon.

38. A person under death sentence and his or her defense counsel may appeal to a higher court (or the Central Court) when they object to the decision. This right is guaranteed by article 251 of the Criminal Procedures Act.

39. The state strictly prevents the imposition of death sentence on minors and carrying it out on pregnant women by legislative measures. Article 23 of the Criminal Law states: "The death penalty may not be imposed on those who were under 17 years of age when they committed the offense, nor may it be executed against pregnant women". In reality, there has been no example of death sentence laid on such persons since the foundation of the DPRK.

40. The DPRK follows the direction of totally abolishing the death penalty. The Criminal Law revised in February 1987 reduced a number of death penalties into reform through labor and strictly confined capital punishment only to the most serious and exceptional five kinds of crimes and to the extremely grave cases at that. The present maintenance of death penalty is based on the consideration of the special domestic circumstances and the need to prevent crimes.

Article 7. Prohibition of Torture and Other Inhuman Treatment

Legal Measures to Abolish Torture and Other Inhuman Treatment or Punishment

41. Recognizing that torture and other inhuman treatment is a flagrant violation of the person's dignity, the DPRK prohibits such treatment by law. Articles 4 and 6 of the Criminal Procedures Act fully guarantee not only human rights but also accuracy, objectivity and prudence in dealing with and disposing of criminal cases, and the Act provides for the

prohibition of torture and other inhuman treatment in several articles. Article 93, paragraph 1 of the Criminal Procedures Act stipulates: "The examining judge must not force a person under preliminary examination to admit to an offense, nor must the examining judge lead a statement". The state nullifies by law any statement or confession made by the accused when he or she is subjected to torture or other coercive method of interrogation. Article 93, paragraph 2 of the Act states: "The statement of a person under preliminary examination which is obtained coercively may not be used as evidence". And article 94 of the same Act provides: "When a person under preliminary examination confesses guilt, the examining judge must discover further evidence to support the confession. The confession of a person under preliminary examination alone is not sufficient evidence to prove guilt". Article 37 of the Regulation on Detention Chamber Management specifies: "A management official of a detention chamber should not torture, assault or insult the person in detention and refrain from such acts as complying with any unlawful request of the person".

42. The DPRK recognizes torture and other forms of coercive interrogation as a crime against which criminal proceedings must be instituted. Article 129 of the Criminal Law indicates: "A person who illegally detains or arrests others, or who illegally releases offenders, extorts statements from people, or exaggerates or falsifies evidence or reaches an unjust decision or judgement shall be committed to an institution for reform through labor for up to two years. A person who is guilty of a serious offense shall be committed to a reform through labor for up to four years".

43. In the DPRK, any victim of torture or other coercive interrogation is entitled to be compensated. Article 5, paragraph 3 of the Regulation on Criminal Compensation states: "A victim of torture or other inhuman treatment who has lost part or whole of his or her working ability shall be compensated the full salary he or she would have got during the period of illegal detention and is entitled to enjoy the benefits of the social security in conformity with the Regulation on State Social Insurance and Security".

44. The DPRK also prohibits by law any cruel and inhuman punishment. Solitary confinement or corporal punishment encroaching upon the dignity of the person does not exit.

45. Those who are sentenced to death are not treated exceptionally. They are dealt with like other ordinary prisoners with their dignity as human beings respected.

Practical Measures to Prevent Torture and Inhuman Treatment or Punishment

46. Due attention is paid to educating and training law enforcement officials to refrain from torture and inhuman treatment or punishment. In the educational institutions where public security officers and other law enforcement officials are trained, students are educated to understand the illegality and harmfulness of torture and other coercive methods of interrogation, to fully ensure accuracy, objectivity and prudence in dealing with a criminal case and to strictly observe evidence-first principle in disposing of a case. Investigating or examining organs and reform institutions give their officials regular education lest they should violate democratic legal procedures, resort to torture and other coercive methods of interrogation or exaggerate or falsify

evidence and harshly treat prisoners. The law enforcement institutions organize interdisciplinary courses each year to reeducate their officials with domestic laws and international human rights instruments.

47. Strict legal control is in force in the DPRK against torture and other inhuman treatment or punishment. Supervision and control of torture and other inhuman treatment or punishment are undertaken by procuratorial organs, the state organs for inspecting law observance. In accordance with the Law on Procuratorial Inspection and the Regulation on Procuratorial Inspection over the Work of Public Security Organs, the public prosecutor's office inspects and controls the investigating or examining organs and reform institutions so that they do not apply torture or other inhuman treatment and punishment and strictly observe the laws.

(a) A public prosecutor examines and deals with complaints according to legal procedures if the complaints are lodged against torture or other inhuman treatment or punishment. Under article 162 of the Criminal Procedures Act, a person who is being examined may lodge complaints to a public prosecutor when his or her rights are encroached upon. Such a right is also bestowed on the defense counsel of an examinee or the accused under article 177 of the Act. The prosecutor deals with the matter within three days and informs the person concerned of the result.

(b) Even when complaints are not lodged from the examinee or the accused, a public prosecutor, by article 69 and 79 of the same Act, keeps watch on investigations or preliminary examinations by taking part in them, checking the record of the case, or having a talk with the examinee, and prevents any violation of human rights.

(c) The public prosecutor also inspects institutions for reform through labor and takes measures to prevent torture and other inhuman treatment or punishment against prisoners and sees that they are managed according to law, under article 296 of the Act.

48. The DPRK regards it non-humanitarian to deport a person to a country where he or she may be subjected to torture or other inhuman treatment or punishment and prohibits such an act. It considers offenders of torture as the criminals to be extradited and punished.

Prohibition of Inhuman Treatment of Students and Patients at Educational or Medical Institutions

49. Disciplinary or other punishment against students is prohibited by law in education. The Education Law provides in article 30: "Educators should apply heuristic method in education so as to develop independence and creativity of pupils". Article 12 of the Regulation on Primary and Senior Middle Schools stipulates: "Education of pupils should be conducted by explanation, persuasion and influence through positive examples". Educational institutions at all levels educate children, pupils and students strictly by methods the state has set forth.

50. The state legally forbids the inhuman treatment of patients in psychiatric hospitals. By the Regulation on Psychiatric Prevention Hospitals, it is only by the decision of doctors' consultation with the presence of the patient's guardian that psychiatric patients are sent to the psychiatric prevention hospitals and assault or other inhuman treatment on psychiatric patients is

strictly prohibited in the hospitals. Examination of personal mental state by experts in criminal or civil cases and the care of psychiatric patients are subject to the Regulation on the Examination, Segregation and Treatment of Psychiatric Patients. Psychiatric examinations are undertaken only by the consultation of three qualified doctors in psychiatric prevention or treatment hospitals at the request of investigation, preliminary examination, judicatory organs or reform institutions. If the result of the psychiatric examination is considered to be insufficient or the opinions of the examination doctors differ from each other, examination is taken again at the consultation of professional psychiatric doctors separately designated by the Ministry of Public Health. A convicted psychiatric patient is segregated in an isolation ward of the hospital for treatment. Inhuman treatment of such a convict is not permitted either.

Prohibition of Experiment on a Human Body

51. The DPRK where man is valued most regards any experiment on a human body as an immoral and inhuman crime. No experiment is allowed on a human body irrespective of the agreement of the person concerned.

Article 8. Prohibition of Slavery and Forced Labor

Prohibition of Enslavement

52. In 1946, the Provisional People's Committee of North Korea promulgated such democratic Laws as the Law on Agrarian Reform in North Korea, the Law on Sex Equality in North Korea and the Law on the Eradication of Vestiges of Feudal Conventions in North Korea and carried out democratic reforms. As a result, all sorts of institutions and practices of subjugating human beings to servitude disappeared including the keeping of people as farmhands for debt, polygamy, traffic in women (as a wife or a concubine), licensed or unlicensed prostitution and kisaeng service which violates the rights of women.

53. The Constitution legally confirms the achievements in the work of eradicating subjugation of man by man. Article 6, paragraph 1 of the Constitution adopted on December 27, 1972 stipulates: "In the DPRK, class antagonisms and all forms of exploitation and oppression of man by man have been eliminated for ever." Article 8 of the current Constitution provides: "The state shall defend and protect the interests of the workers, peasants and working intellectuals and all other working people who have been freed from exploitation and oppression and become the masters of the state and society."

Prohibition of Forced Labor

54. Article 29 of the Constitution stipulates: "Labor in the DPRK is the independent and creative labor of the working people, freed from exploitation and oppression." Forced or compulsory labor is forbidden in any form in the DPRK. All the citizens choose their occupation according to their wish and aptitude, get secure jobs and working conditions and work according to their ability and distributed according to the quantity and quality of the work done.

55. Apart from the penal system of reform through labor under a court judgement, there exists no legal system in the DPRK of imposing forced or compulsory labor on the offenders of law and order. Therefore, such forms of labor are never used as a means of political coercion or of social or religious punishment.

56. The DPRK has no legal institution of imposing compulsory labor upon the people who are under detention or confinement or released on conditions. A person arrested red-handed under article 65 of the Criminal Procedures Act or detained under article 106 of the same Act is deprived only of personal liberty during the period fixed by law. The same person is not forced to do labor even if his detention is changed into house arrest or a confinement in a certain area or his/her place of residence. As military service is not compulsory but voluntary, there is no forced service nor conscientious refusal of service in the DPRK.

Article 9. Liberty and Security of Person: Conditions of Arrest and Detention

Right to Freedom and Security

57. Article 79 of the Constitution stipulates: "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant." Article 11, paragraph 1 of the Criminal Procedures Act provides: "The arrest or detention of a person is not permissible if the provisions of this Act are not applied or when the procedures stipulated under this Act are not followed." By these provisions, all citizens are granted inviolability.

58. A person under preliminary examination may be detained under the following conditions:

(a) As stipulated in article 106 of the Criminal Procedures Act, detention is effected only when it is considered that a person under preliminary examination for a criminal case subject to reform through labor of more than one year or to death penalty may obliterate evidence, hinder the investigation or evade the preliminary examination or trial. Even in such cases a pregnant woman may not be detained during a three-month period prior to expected childbirth and a seven-month period after childbirth.

(b) An examinee who is liable to reform through labor of less than one year may be put to house arrest or confined to a certain area or the place of his/her residence under article 104, paragraphs 2 and 3 of the Criminal Procedures Act. Even an examinee who is liable to reform through labor of more than one year may be put to the same confinement if he or she is not considered to evade a preliminary inquiry or trial. When it is decided to confine a person subject to preliminary examination in his or her house, there must be at least 2 warrantors according to article 109 of the Act, and when it is decided to confine a person subject to preliminary examination in a definite area or in the place of his or her residence, a written pledge should be received from him or her.

(c) A person who is detained for preliminary examination may be released in case of need to be put to house arrest or the confinement in a certain area or in the place of his or her residence by the change of decision under article 111 of the Act.

59. The arrest of a red-handed criminal may occur in the following cases: Article 65 of the Act stipulates that a criminal or suspected criminal may be arrested without the approval of the public prosecutor when the criminal is discovered at the point of or in the act of committing a crime or immediately after committing one; when the victim of or an eyewitness to the criminal act points at the guilty party; when evidence of the offence is found on the body of the person or at the house of a suspected criminal; when a suspected criminal is on the point of fleeing or is being pursued as a criminal; or when the place of residence of the suspected criminal is uncertain.

60. Under article 104 of the Criminal Procedures Act, confinement consists of detention, house arrest and confinement in a certain area or in the place of residence of the person subject to preliminary examination.

Information of the Reason for Suspicion or Arrest

61. A person who is to be subject to a preliminary examination is informed of the charge in time. Article 83 of the Criminal Procedures Act stipulates: "When an examining judge has made a decision on undertaking legal proceedings, he must inform the person who is to be subject to a preliminary examination of the decision within 48 hours." The decision on undertaking legal proceedings must clarify the content of the suspicion for which legal proceedings are instituted. The person who is to be subject to a preliminary examination is informed of the charge in time through the procedure of notifying the decision that has been adopted. There is no arrest before the decision on undertaking legal proceedings is adopted.

62. A person is informed of the reason for his or her arrest before arrest or detention. Article 103 of the Criminal Procedures Act stipulates: "The decision on confinement should be made known immediately to the person subject to preliminary examination." The examining judge may confine a person subject to preliminary examination lest he or she should evade or hinder the preliminary examination or trial of the case. When decision on detention is to be made, a decision specifying the relevant article of the criminal law being applied to the person under preliminary examination and the reason for his or her detention should be made and get the approval of the public prosecutor. Under article 107 of the Act, when a person subject to preliminary examination is arrested in accordance with a decision on detention, due identification document and the decision on detention approved by the public prosecutor must be presented to the person. Through this procedure, the reason for arrest is known to the person to be arrested. And in case of house arrest or confinement in a certain area or in the place of residence, too, the reason is known to the person subject to preliminary examination according to article 103 of the Act.

63. When a person is arrested, his or her family or the organization to which he or she belongs is informed of the date, reason, etc. of the arrest within 48 hours under article 11, paragraph 2 of the Criminal Procedures Act.

Examination of Lawfulness of Arrest or Confinement

64. The right to examine the lawfulness of arrest or confinement belongs to the public prosecutor. Article 11, paragraph 3 of the Criminal Procedures Act reads: "Should the public

prosecutor discover that a person has been arrested or detained illegally, he must set him or her free." The public prosecutor takes immediate measures for release, should he find a person arrested or detained illegally.

(a) In case a complaint is laid by an examinee or a defense counsel against arrest or confinement, for example, the public prosecutor settles it and makes the result known to him or her within three days according to article 162, paragraph 2 and article 177, paragraph 2 of the Criminal Procedures Act. If any arrest or confinement proves to be unlawful, instant release is effected.

(b) Even though no complaint is lodged from an examinee, an accused person or a defense counsel, the public prosecutor exercises control to prevent any illegal arrest or detention of persons through the discharge of his regular duty to survey the observance of laws.

(c) Through the procedures of examining and approving a decision on confinement, a public prosecutor ensures that any illegal arrest or detention may not occur. Article 102 of the Criminal Procedures Act stipulates: "A decision on confinement may be implemented only with the approval of the public prosecutor." The public prosecutor examines the decision submitted by an examining judge for the arrest or confinement of an examinee and may disapprove it if the measure is considered to be unlawful.

(d) The public prosecutor prevents any illegality through the procedure of examining a decision on confinement when a red-handed criminal is arrested under article 65 of the Criminal Procedures Act. In order to hold in detention a criminal or a suspected criminal arrested under article 66 of the Act, a decision of detention must be drawn up and approved by the public prosecutor within 48 hours. The public prosecutor examines it and either effects preliminary examination or releases the person according to the lawfulness of the case.

(e) The public prosecutor, as an inspector of law observance, makes a regular surveillance over detention chambers and if he discovers any person illegally confined; he releases him or her at once.

Term of Pre-Trial Confinement

65. The DPRK has the system of preliminary examination in criminal procedures. The mission of the preliminary examination is to clarify unreservedly the crime of the examinee based on scientific evidence and to lay bare the whole affair completely and accurately. This is why the term of pre-trial confinement is comparatively long and the term of trial short. The term of detention of the examinee for preliminary examination may not exceed 2 months under article 108 of the Criminal Procedures Act and justice is administered within 1 month. Several opinions have been raised concerning the long period of pre-trial detention as compared with the requirement of the Covenant and the short period of trial. Some argue that the period of preliminary examination may be maintained as it is since the procedure of dealing with detained persons subject to preliminary examination is equal to the procedure of dealing with unconvicted prisoners under the Covenant, and others argue that the period of trial should be extended and the period of pre-trial detention shortened instead. Each argument has both merits and demerits. It is considered that progressive conclusion will come out in this respect.

Right to Compensation

66. By force of article 3, paragraph 1 of the Regulation on Criminal Compensation a victim of illegal arrest and detention is compensated when he or she is released by the order of the public prosecutor at the stage of investigation, preliminary examination or prosecution. Article 5, paragraph 1 of the Regulation stipulates: "A person who has been released after illegal arrest and detention shall be paid the full salary he or she would have got during the days of detention."

Article 10. Treatment of Detained Persons with Humanity

67. The facilities for housing the persons who have been deprived of liberty comprise the detention chamber and the reform institution. The detention chamber is for unconvicted persons and the reform institution for convicts. The persons who have been deprived of liberty by law are treated humanely with their dignity respected. Article 4 of the Criminal Procedure Act provides: "The state fully guarantees human rights in dealing with and disposing of a criminal case." The Regulation on Administration of Detention Chamber and the Regulation on Reform Administration regulate the procedures and methods of dealing with the persons who have been deprived of liberty humanely with their inherent dignity respected.

68. A public prosecutor keeps a regular watch on detention chambers and reform institutions, investigates and deals with complaints, taking measures so that the persons who have been deprived of liberty may be treated with their human dignity respected. Refer to paragraph 47 of this report.

Distinction between Unconvicted Persons and Convicted Persons

69. Unconvicted persons are treated as innocent persons even if they are confined. Article 5 of the Regulation on Administration of Detention Chamber states: "The institution that administers a detention chamber shall regard unconvicted persons as innocent and treat them as such." And under article 6 of the Regulation, the institution that administers a detention chamber treats all detained persons equally without any distinction.

(a) A person under preliminary examination or the accused subjected to confinement is not put in a reform institution but in a detention chamber. A detention chamber is a facility only for unconvicted persons and is different from a reform institution, which takes in those sentenced to reform through labor by a court. Article 3 of the Regulation on Administration of Detention Chamber reads: "Detention chambers are installed in the Department of Preliminary Examination of the Ministry of Public Security, provincial, municipal or county public security offices, and the units separately appointed." Under article 9 of the Regulation a detention chamber detains a person subjected to confinement by law, a criminal suspect arrested red-handed, a person prior to the execution of the sentence of reform through labor or death penalty and a prisoner under escort.

(b) Article 14 of the Regulation on Administration of Detention Chamber specifies: "A detention chamber shall be equipped with bedroom, washroom, dining room, toilet, ground for exercises, a store for confiscated articles, etc. The bedroom should be well-lighted both by

sun and electricity, well-ventilated, and well- heated." Under articles 14-21 of the Regulation the persons in detention are supplied with the conditions for accommodation and hygienic cultural life. They get food according to the same norm as ordinary population. The institution administering a detention chamber provides the persons in detention with meals, drinking water, bedclothes and personal hygienic tools. The detained persons wear their own clothes and may procure food and personal hygienic tools according to their need. The institution administering a detention chamber ensures the detained persons the conditions for regular bath and haircut and periodically disinfects or sterilizes clothes, bedding and tableware.

(c) The detained persons are not subject to labor unlike the persons in a reform institution. Article 22 of the Regulation on Administration of Detention Chamber stipulates: "The persons in detention shall not be subject to labor. However they may do such work as bedroom cleaning, washing, disinfection, etc. which are associated with the hygienic and anti-epidemic work for themselves."

(d) The detained persons are entitled to free medical care. Article 23 of the Regulation on Administration of Detention Chamber specifies: "In conformity with the law on free medical care, the medical care of the persons in detention is free." Under articles 24-26 of the Regulation, the detained persons are secured the conditions for medical care. The medical examination and treatment is conducted by the doctors of the institution administering the detention chamber and, upon request, the visit and treatment by a doctor of a public hospital is arranged. The detained persons are permitted to have sunbath and physical exercise everyday for health maintenance. When such a person gets ill during detention, the decision on detention is either stopped or changed into another sort of confinement according to article 111 of the Criminal Procedures Act so that he or she may have medical treatment at home or in a hospital outside. In case taken to hospital outside he or she is ensured the same meals, patient's clothes, bedding, etc. as other patients.

(e) The detained persons are ensured the opportunities to have contact with the outside world. Under article 11 of the Criminal Procedures Act the family of a detained person is notified of the place of detention. By articles 28 and 29 of the Regulation on Administration of Detention Chamber, a detained person may listen to radio, watch TV, read newspapers, magazines and books and have the visit of or exchange correspondence with his or her family and relatives.

(f) It is forbidden to treat detained persons inhumanely. The regulation on Administration of Detention Chamber stipulates in article 37 that the administration officials of a detention chamber should not torture, assault or insult detained persons and in article 39 that the administration officials of a detention chamber may not use force except when the detained person is running away or resisting physically. In a cell, handcuffs may not be applied to the detained persons. However, handcuffs may be applied when a detained person is being escorted.

70. In the DPRK, young offenders are totally segregated from adults. According to article 11, paragraph 2 of the Criminal Law, public education measures are adopted for minors. By article 106 of the Criminal Procedures Act, the young offenders subject to public education may not be detained. That is why, there is no detention chamber for minors.

Reform System

71. Punishment is aimed at making offenders repent of their sins and go back to the society to lead a law observing and independent life. Article 24 of the Criminal Law provides: " Reform through labor involves labor in a reform institution." The state formulated the Regulation on Reform Administration and carried it to thorough implementation in order to achieve the purpose of reform.

(a) Reform institutions strictly observe the established procedures in registering prisoners. Article 6 of the Regulation on Reform Administration indicates: "A reform institution shall hold only those sentenced to reform through labor by a court at different levels. When receiving an inmate, the reform institution shall take over the written court judgement, the notification of decision establishment and other legal documents and materials and certify the person with the documents." Under article 7 of the Regulation, a reform institution allocates the persons considering their sex, age, offence, personal character, complicity, technical skill, health condition, etc.

(b) The inmates of reform institutions are provided with humane conditions for accommodation and hygienic cultural life. Article 11 of the Regulation on Reform Administration provides: "A reform institution shall construct in accordance with the rules concerned the bedroom, toilet, washroom, bathroom, dining-room, workplace, education room, reading room, recreation room, visit room, medical treatment room, sick ward, etc." The Regulation stipulates provision of sunlight, electric light, ventilation, heating system to the bedroom and others in article 12, the supply of meals and drinking water sufficient for the maintenance of inmates' health and of the same amount of food a day with ordinary population in articles 14 and 15 and the supply of clothing, bedding and daily necessaries in articles 16-19.

(c) Medical service is available in reform institutions. Article 20 of the Regulation on Reform Administration provides: "A new inmate shall be placed in an isolation bedroom for 20 days and get medical inspection before he or she is allocated." and article 21: "A medical doctor of a reform institution shall investigate the health condition of the inmates before and after labor. The inmates who are found to be unhealthy shall take rest for up to 6 days or be put to hospital for treatment." In this case the period of rest or in-hospital treatment is included in the term of reform through labor executed under article 300 of the Criminal Procedures Act. In cases where an inmate falls seriously ill, the execution of the reform through labor is suspended until he or she recovers from illness so that he or she may get treatment at home or in a hospital outside under article 299 of the Criminal Procedures Act and article 22 of the Regulation on Reform Administration. Medical treatment of inmates is entirely free.

(d) Only those who have had special education undertake the control of inmates in a reform institution. Article 28 of the Regulation on Reform Administration states: "The education, direction of production and medical treatment of inmates in a reform institution shall be undertaken only by the persons who have had special education." and article 29: "Reform administrators shall not torture, assault or insult the inmates and organize labor and prophylactic treatment in a rational way lest anybody fall ill or die of illness."

(e) For inmates in a reform institution, labor is compulsory. By article 36 of the Regulation on Reform Administration the inmates have the workday of 8 hours and have rest on Sundays and holidays. By article 39 of the Regulation, the inmates are paid according to the quantity and quality of labor they have done.

(f) Under articles 40-43 of the Regulation on Reform Administration, the inmates of a reform institution are entitled to read books, magazines and newspapers, enjoy film, watch TV, listen to radio, have recreation or do sports, etc. Under article 44 of the Regulation the inmates may have the visit of and exchange correspondence with their family or relatives.

(g) According to the Regulation on Commutation of Sentences of Reform through Labor, the inmates of a reform institution who genuinely repent of their sins, conscientiously observe the rules of reformation life, and overfulfil their assignments by working hard are privileged with commutation. Those who have saved persons or the property of the state and people from fire, flood or other dangers, who have rendered great benefit to the country by making inventions, new designs or rationalization of national significance or have led a particularly exemplary life of the institution are reduced as much as 2 years in their term of reform through labor and may be released after the passage of half of the period of reform through labor by force of article 40 of the Criminal Law.

72. State and social attention is directed to the secured life as a good citizen after the release from a reform institution. The Criminal Law adopted in 1974 stipulated that an offender who is granted special pardon or amnesty or has served the full term of sentence is equal to a non-offender from the date of the expiration of the term and is subject to no discrimination by law. Thus the criminal record system was legally abolished in the DPRK. As a result, the released persons are granted every right of a citizen including the right to election without any restriction from the first day of their release. The state provides them with jobs according to their wish and talent and the conditions for life after release. In order to prevent released persons from committing a crime again, workshops and families help them solve their problems and become honest citizens faithfully serving the state, society and fellow.

73. As young offenders are supposed to be reformed by public education, there is no reform institution for minors, nor the question of segregating minors form adults in a reform institution.

Article 11. Prohibition of Detention for Non-Performance of Contractual Obligation

74. No person is confined for his or her inability to fulfil his or her contractual obligation. The question concerning fulfillment of a contractual obligation is a civil matter and, therefore, there may arise no criminal punishment but such civil charges as restitution, resto.ation, compensation for damage, etc. as laid down in articles 240 and 242 of the Civil Law.

Article 12. Freedom of travel and residence right to leave and return to one's own country

75. All the DPRK citizens and foreigners have the freedom of travel and residence. Article 75 of the Constitution provides: " Citizens have freedom of residence and travel." This freedom is guaranteed to foreigners in the region of the DPRK as well.

Freedom of Travel and Residence

76. The DPRK citizens are free to travel to any place of the country on official or personal business subject to the Regulation of Travel. By article 4 of the Regulation the area along the Military Demarcation Line, military base, district of munitions industry and the districts associated with State security are travel restrictive. By article 6 of the Regulation the citizens who want to travel are issued with traveller's certificate. The certificate is issued by people's committees of all levels and there is no restriction. The foreigners who have entered the territory of the DPRK should be registered for stay when they reach their destination under article 33 of the Immigration Law. Under article 42 of the Law, a foreigner who wants to travel in the territory of the Republic is issued with traveller's certificate by his or her application to an immigration office. Members of the missions of other countries or international organizations in the DPRK and the foreigners who are invited to the DPRK do not need such certificate for travel.

77. The DPRK citizens and foreigners are free to choose their residence and to move it. They need to go through due legal procedures when they want to move residence. By articles 14 and 15 of the Law on Registration of Citizens, a citizen who wants to move his residence to another place has his or her removal registered. For this he or she should present the application for removal registration to the public security organ of the residing district. The citizen who has had his or her removal registered moves to the new residence place and registers his or her residence. Under article 38 of the Immigration Law a foreigner may reside in the DPRK territory upon the approval of the institution concerned. Under article 39 of the Law, a foreigner who wants to move his or her residence should have his or her removal registered and register his or her residence in the immigration office of the new residence place.

Right to Immigration

78. The citizens may leave or come back to the country on official or personal business by article 9 of the Immigration Law. In this case the Foreign Ministry or an immigration office issues them with passports or certificates. Under article 18 of the Law and its enforcement rule, entry into and departure from the country is forbidden in case a passport or certificate proves to have been forged, the person is recognized by a judicial organ not to be entitled to travel for the crime he or she has committed, the person is insane or has an infectious disease or the person has had no consent of the country he or she wants to travel to. Under article 16 of the Immigration Law, the DPRK citizens residing in a foreign country are issued with passports and visa by the DPRK diplomatic or consular missions or get visa in their overseas citizen card to come to the Republic or travel to other countries.

79. Under article 19 of the Immigration Law, foreigners need visa issued by the DPRK Foreign Ministry or immigration organ to enter or leave the Republic. The citizens of the countries with which no visa is required by agreement may enter or leave the Republic without visa. Under article 30 of the Law and its enforcement rule a foreigner may not leave the country in case a DPRK organ concerned has decided that the certificate is forged or the person has committed a crime equal to penal accusation and banned the exit.

Deportation of Citizens

80. The DPRK has no legal system to deport its citizens to a foreign country. And there has been no actual example of a DPRK citizen deported abroad.

Article 13. Prohibition of Arbitrary Expulsion of Aliens

81. Expulsion of an alien from the DPRK is applied only when sure evidence has been found that he or she is guilty of having gravely offended the rules on entry, stay, residence or travel. By the enforcement rule of the Immigration Law, the aliens who have illegally entered the Republic without entry visa, who have stayed there longer than permitted, who have offended the legal system of the Republic may be expelled therefrom. To the members of the missions of other countries or international organizations in the DPRK, their family and diplomatic correspondence messengers, diplomatic procedures may be applied.

82. Expulsion of an alien is decided with great prudence. Since 1985, only one alien has been expelled by the order issued by the State.

Article 14. Right to Fair and Public Hearing

Equality before the Courts, Fair and Public Hearing

83. Everyone is equal before the court of law in the DPRK. This is legally guaranteed by article 65 of the Constitution.

84. Justice is administered only by the courts at different levels that are organized by the Constitution and the Law on Formation of Lawcourt. Article 153 of the Constitution provides: "Justice is administered by the Central Court, the court of the province (or municipality directly under central authority), the People's Court and the Special Court." The special court means the military court that judges the offences committed by the servicemen of the Korean People's Army and the Korean People's Security Force or the public security men, and the railway court that judges the offences committed by the working staff of railway transportation.

85. Under article 156 of the Constitution and article 31 of the Law on Formation of Lawcourt, a judge and 2 people's assessors constitute a lawcourt. The President of the Central Court is elected by the Supreme People's Assembly by article 91 (12) of the Constitution and the judges and people's assessors of the courts at different levels are elected by the Presidium of the Supreme People's Assembly and the people's assembly of province (or municipality directly under central authority), city (or district) and county by articles 110 (13) and 134 (5) of the Constitution. The chairman and judges of the special court are appointed or removed by the Central Court and the people's assessors of the special court are elected by soldiers of the unit concerned or by employees at their meetings by article 155 of the Constitution. The term of office of the judges and people's assessors of the courts at different levels is the same as that of the people's assembly concerned. The people's assessors of courts, representatives of the people, have the same competence as the judges at trials. Under article 243 of the Criminal

Procedure Act, when a decision is made, only the judge and the people's assessors who have inquired into the case are present and under article 245 of the same Act, a decision is adopted by a majority of the votes of the members of the court.

86. Article 160 of the Constitution provides: " In administering justice, the Court is independent, and judicial proceedings are carried out in strict accordance with the law." The courts at different levels judge and decide on cases independently subject to no interference by anybody or to no external influence.

87. Court hearings are open to the public on principle. Article 158 of the Constitution stipulates: " Court cases are heard in public and the accused is guaranteed the right of defense. Hearings may be closed to the public as stipulated by law." Article 16 of the Criminal Procedures Act and article 10 of the Civil Procedures Act provide that a trial of penal or civil case shall be open to the public, but a trial may be closed to the public totally or partially when there is the danger that a national or personal secret will be revealed or there is a fear of a bad effect on society, and that even when the court hearing is not open to the public the decision and sentence must be made public. Publicity of court hearings serves as an important means for intensifying social supervision over judicial proceedings so as to elevate the court's sense of responsibility and effectuate democratic and fair court trials and for awakening people in the spirit of law-abidance to prevent crimes.

Right to be deemed Innocent until Conviction

88. Articles 242 and 246 of the Criminal Procedures Act state that when truth of a case has been disclosed to the full on the basis of scientific evidence that has been thoroughly examined, the court shall deliver a decision as required by law. These provisions allow even those charged with any criminal offence to have the right to be presumed innocent and be treated as such until convicted. Article 5 of the Regulation on Administration of Detention Chamber provides: " The institution administering detention chamber should regard as innocent and treat as such the unconvicted persons under detention."

Right of the Accused at a Lawcourt

89. The Accused person has the right to be informed of the charge against him or her and the penal responsibility that is going to be imposed. By article 198 of the Criminal Procedures Act, the accused has the right to get and read a copy of the indictment three days before the trial.

90. A person charged with a criminal offence has the right to choose, have a talk with and get the help of a defense counsel at any time from the moment he or she is informed by the examining judge of the decision on instituting legal proceedings by articles 83, 169 and 174 of the Criminal Procedures Act.

91. Under article 189 of the Criminal Procedures Act the court administers justice within one month after taking over the case. Therefore, nobody charged with a criminal offence is subject to examination or trial with undue delay.

92. The accused always attends the trial of himself or herself and defends himself or herself in person or through legal assistance of his or her own choosing.

(a) Article 205 of the Criminal Procedures Act states: " The accused attends the trial." Decisions adopted at a trial in the absence of the accused are cancelled unconditionally.

(b) The DPRK has the Korean Bar Association as the organization of attorneys. The Association has its committees in the center, province (or municipality directly under central authority) and in the field concerned and offices or legal advice centers under them. The accused may defend himself or herself either for himself/herself or through a defense counsel. If the accused has not chosen a defense counsel, the court may choose a defence counsel with the help of the bar association concerned according to article 172 of the Criminal Procedures Act and provide defense free of charge irrespective of the ability of the accused to pay. In case justice is administered in the absence of a defense counsel without giving up by the accused of the right to get the help of a defense counsel, the judgement is unconditionally invalid.

93. The accused may request the presence of a witness he or she needs and ask the witness questions. This right is ensured by article 219 of the Criminal Procedures Act.

94. If the person under trial does not speak or understand Korean, the service of an interpreter is rendered free of charge. Article 159 of the Constitution reads: " Judicial proceedings are conducted in the Korean language. Foreign citizens may use their own language during court proceedings." By article 14 of the Criminal Procedures Act a person who does not know the Korean language is accompanied by an interpreter and a foreigner may write and present papers concerning a case in his or her own language. The service of an interpreter is free of charge.

95. The accused is not compelled to testify or confess against himself or herself in a trial. Refer to paragraph 41 of this report.

Special Procedures for Young Offenders

96. In the DPRK, young offenders are dealt with in a special way in view of their age and future. Article 11 of the Criminal Law stipulates: "Punishment shall be imposed only on offenders who are over 14 years of age when they commit an offence. For offenders between the age 14 and 16, public education measures may be adopted." Following this, public education measures are adopted for the rare young offenders by which parents or the educational institution concerned takes charge of the education and reforming. By article 23 of the Criminal Law death penalty may not be imposed on those who were under 18 years of age when they committed the offence.

Right to Appeal

97. Article 251 of the Criminal Procedures Act provides that when the accused and defense counsel disagree to the decision of the first trial, they may appeal to a higher court, and that if an appeal arises the decision shall not be put into effect. Article 252 of the Act stipulates that an

appeal should be presented within 10 days from the date of receiving a copy of the written judgement and decision. No other restrictions are laid on the freedom of appeal.

98. The higher court that has received an appeal considers it within one month from the date of receipt as laid down in article 260 of the Criminal Procedures Act.

99. In cases where a confirmed judgement or decision is not agreeable, an extraordinary appeal may be made to the Central Court which is the supreme organ of trial, through the procedures set forth in the Criminal Procedures Act.

Right to Compensation

100. Under article 3, paragraphs 2 and 3 of the Regulation on Criminal Compensation, compensation is offered when a person who has been illegally detained is found to be innocent in the first hearing and when a person who has been detained or sentenced to servitude in the first hearing is found innocent in the second hearing, the hearing of extraordinary appeal or rehearing. Article 5, paragraph 2 of the Regulation stipulates: " A person who has served illegal servitude shall be compensated the full salary he or she would have received during the days of illegal detention and stay in the reform institution deducted by the salary he or she has got during the period of reform."

Principle of Inflicting no more Criminal Punishment on an Act to which a Definite Decision has been given

101. Nobody is tried or punished again for the same criminal offence that has either been convicted or acquitted already, by article 12(5) of the Criminal Procedures Act.

Article 15. Duration of Validity of the Laws on Criminal Affairs

102. Article 8 of the Criminal Law stipulates: " Punishment is imposed on offenders in accordance with the penal law in force at the time when the offence was committed. But this law applies in cases where acts which were regarded as offences under a previous penal law are not considered as such under this law and in cases where the penalty for an offence has been reduced under this law from that prescribed under a previous law." Under this provision the main principle in defining duration of validity of provisions of a penal law is that the law is not retroactive, with its retroactive application combined. The law is applied retroactively even to the convicts.

Article 16. Right to Recognition as a Person before the Law

103. Article 19 of the Civil Law provides: " The capacity of civil right of a citizen comes with birth and goes with death. All citizens have equal capacity of civil right. Unless defined separately by law nobody is allowed to restrict another's capacity of civil right." Under this provision everyone has the equal right to recognition as a person before the law with birth.

Article 17. Protection of Privacy

104. Article 78 of the Constitution states: " The state pays great attention to consolidating the family, the basic unit of social life" and article 79: "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence." Under these provisions, all citizens are entitled to legal protection of their family, home, private life and correspondence.

105. Article 3 of the Family Law stipulates: "The family is the basic unit in society. The state stresses the need to consolidate the family." A family is the basic unit of life where close kinsmen like married couple, parents, brothers and sisters live together. A family is under state protection.

106. Home, a place where family or individual persons live together is guaranteed inviolability. Search of a home is not permitted in any case unless it accords with the provision of the Criminal Procedures Act. Article 130 of the Act reads: "A search may be conducted only when sufficient grounds for suspicion, that the offender is hidden or that there are articles or documents necessary for the clarification of an offence, exist." Even if such grounds exist, there should be the approval of the public prosecutor to conduct search and seizure, by article 131 of the Law. Only when a criminal is arrested red-handed, it is justifiable to search his or her body or his or her quarters without the public prosecutor's approval.

107. Arbitrary or unlawful interference in the private life of citizens is prohibited. There is no legal system of collecting, keeping and using materials related with the private life of citizens. In dealing with criminal cases too, the secret of a person's private life is thoroughly kept. Article 137 of the Criminal Procedures Act states: "In cases where a personal secret which has nothing to do with the criminal case becomes known in the process of a search, it must be seen that it is not released to the public." And according to article 16 of the Act, a trial may be closed to the public totally or partially when there is the danger that a national or personal secret will be released.

108. The state thoroughly secures the secret of correspondence. Article 22 of the Communications Law provides: "Communications institution or enterprise shall regularize postal communications service and guarantee accuracy, cultural refinement of postal communication and secret of correspondence." Nobody is justified to interfere with personal letters, parcels and other mail matters. When investigators or examining judges need to conduct seizure of letters or telegraphs in order to disclose offenders or offences, they should have reasonable grounds and be approved by the public prosecutor. By article 135 of the Criminal Procedure Act, the seizure of letters and telegraphs under the charge of a post office should be attended by a representative from it. The secret of telecommunication is also secured.

109. Citizens may lodge complaints against the violation of their family, home, private life and personal correspondence. This is guaranteed by the right to submit complaints stipulated in article 69 of the Constitution. Complaints against the violation of rights are dealt with in accordance with the procedures and within the period defined by the Law on Complaints and Petition. Complaints may be laid before the public prosecutor by article 162 of the Criminal Procedures Act against such violation occurring in dealing with criminal cases as unlawful

search of houses or seizure of letters. The public prosecutor examines the complaint promptly and accurately, settles it within 3 days and makes the result known to the complainant.

Protection of Honor and Dignity

110. It is legally prohibited regardless of the way and means (verbal or written language, gesture, drawing, etc.) to insult a person or damage his or her honor. Insulting another or impairing his or her honor is considered to be a criminal action and is punished according to article 152 of the Criminal Law if it is serious.

Article 18. Freedom of Religious Belief

111. Article 68 of the Constitution states: " Citizens have freedom of religious belief. This right is ensured by the permission to build religious buildings and have the legal freedom to select any religious ceremonies." Thus people have the legal freedom to select any religious belief, to build religious facilities or structures, to have or refuse to have religious ceremonies individually or collectively in an open or closed way, to organize religious bodies and have activities, to teach religion, etc.

112. Religionists have no limitations in organizing religious bodies and conducting religious activities by article 67, paragraph 2 of the Constitution that stipulates that the state provides democratic political parties and public organizations with conditions of free activities. Now there are such religious bodies in the DPRK as the Korean Christians Federation, the Korean Buddhists Federation, the Korean Association of Roman Catholic, and the Korean Central Guidance Committee of the Believers in Chondogyo and the Korean Religionists Association.

113. The religious bodies of the DPRK issue their publications reflecting their doctrines and claims. Recently such books have been printed as "Chondogyo Scriptures", "Chondogyo Review", "Buddhism in the DPRK", "the New Testament", "the Old Testament", "Hymns", "Choice and Practice", "Let us Learn Roman Catholic", "Steps of Religious Life", "Catholic Prayer Book", etc.

114. The state respects the religious life and ceremonies of religionists. The people who believe in religion are free to construct various religious buildings and facilities and to have religious life and ceremonies in conformity with their own religious rules.

115. In the DPRK, religion is completely independent of the state and all religions are equal. No religion is either interfered in or discriminated against and people are free to believe in any religion according to their own choice.

116. There are religious educational institutions managed by religious bodies. The Central Committee of the Korean Christians Federation runs the Pyongyang Theological School, the Central Committee of the Korean Buddhists Federation the School of Buddhism, the Korean Central Guidance Committee of the Believers in Chondogyo the Chondogyo Secondary School, and the Central Committee of the Korean Association of Roman Catholic also educates students. In 1989 the state newly established the Department of Religion in Kim Il Sung University in view of the desire of some school parents for such education of their children.

Article 19. Freedom of Speech and of the Press

117. All the citizens have the freedom of opinion and expression. Article 67 of the Constitution and article 6 of the Press Law guarantees this. Article 67 of the Constitution provides: " Citizens are guaranteed freedom of speech, of the press..." and article 6 of the Press Law provides: "Citizens are free to take part in writing or creation activities."

118. Under article 48 of the Press Law and its Enforcement Rule, articles 46 and 152 of the Criminal law, such expression of one's thought is forbidden as encouraging others to attempt to overthrow, disrupt or undermine the state, disclosing state secrets to do serious harm to the state security and the healthy public order, insulting another or impairing his or her honor.

119. A number of news and press organs are in operation in the DPRK. Among the news organs there are offices of central and local newspapers including the Rodong Sinmun, the Korean Central News Agency and the Radio and TV Broadcasting Committee of Korea. And among the press organs there are dozens of publishing houses including the Workers' Party of Korea Publishing House, the Foreign Languages Press Group, the Kumsong Youth Publishing House, the Science and Encyclopedia Press Group, the Industrial Publishing House, the Science and Technology Information Agency, the Working People's Organizations Publishing House, the Literature and Art Publishing House, the Agricultural Publishing House, the Railway Publishing House, the Higher Education Publishing House, the Education Books Publishing House, the Foreign Languages Books Publishing House and so on. There are hundreds of kinds of magazines like "Kunroja","Chollima", "Youth Life", "Student", "New Generation". 'Korean Film", "Science of History" and so on. Thousands of kinds of publications are publish d annually, totalling one thousand million copies. Tens of millions of copies of over 400 kinds are devoted to youth and students every year.

120. The state provides journalists with working conditions. Article 23 of the Press Law provides: "The institution, enterprise or organization concerned shall provide journalists and editors with conditions to gather news." The journalists go anywhere in the territory of the DPRK to meet whomever they want for news coverage. Foreign pressmen are also free to gather and report news under the Regulation on the Activities of Foreign Journalists in the DPRK.

121. Foreign Publications are widely used. The state organs including the state administration organ of science and technology and the Publication Export and Import Corporation, and enterprises or organizations import from abroad the printed matters they need according to their plan and requirement. Great attention is paid to the translation and distribution of the foreign publications, too. The publishing organs translate and print a great number of the works of the world-famous authors every year. In recent years alone the selected works of world literature and world child literature, the works of the writers and poets of different countries and children's books like the collection of comic stories or fairy tales, and picture books were published in tens of millions of copies.

122. The state does not tolerate the expression of ideas that severely infringe upon the honor and dignity of others or state security and public order. By article 48 of the Press Law and its

Enforcement Rules the printed matter that might encroach upon another's honor and dignity or the state security and public order is stopped from production, issue, dissemination, export and import.

Article 20. Prohibition of Propaganda for War

123. Propaganda to encourage an aggressive war is prohibited by law in the DPRK. Under article 17 of the Constitution it is the consistent standpoint of the DPRK Government to oppose all forms of aggressive war. Agitation for an aggressive war is never permitted.

124. The DPRK prohibits the encouragement of discrimination, hostility and violence by arousing national, racial and religious hatred. All citizens and the foreigners residing or staying legally in the DPRK exercise equal rights regardless of nationality, race or religion. It is regarded as an encroachment on the right to equality to agitate discrimination, hostility or violence by fanning national, racial and religious prejudice.

Article 21. Right to Peaceful Assembly

125. Under article 67 of the Constitution, citizens have the freedom of assembly and demonstration. When somebody wants to organize an assembly or demonstration he or she should notify the people's committee and the public security organ of the district concerned three days in advance subject to the Regulation on Guarantee of Assembly and Demonstration. The written notification should clarify the purpose, date and time, place, organizer and the scale of the assembly or demonstration.

126. The people's committee and the public security organ that has been notified provides the conditions for the assembly or demonstration and assists the maintenance of security order. If an assembly or demonstration hinders the healthy maintenance of state security and public order, it may be controlled by the procedures and method stipulated by the Law on Public Security Control.

Article 22. Freedom of Association

127. Article 67 of the Constitution stipulates that citizens have freedom of association and that the state guarantees conditions for the free activity of democratic political parties and public organizations.

128. If somebody wants to organize a democratic public organization, he or she should have it registered in the Cabinet 30 days in advance. The application document for registration should clarify the purpose, membership scale, organizational structure, foundation date, name of the chief, etc. and be annexed to by the full text of the basic rule. For the dissolution of an organization, a written notification should be presented to the Cabinet to have the dissolution registered. The notification should clarify the reason and date of dissolution, the disposal of finance and property, etc. These procedures are not aimed at the interference or restriction of free establishment of democratic public organizations but simply at the grasping of reality and rendering of necessary assistance by the state. There are tens of democratic public organizations including the trade unions, the Union of Agricultural Working People, the Youth League, the

Women's Union, the General Federation of the Unions of Literature and Arts, the Democratic Lawyers Association, the Christians Federation, the Buddhists Federation, the Anti-Nuclear Peace Committee, the Committee for Afro-Asian Solidarity, etc.

129. The DPRK does not have a separate legislation for the organization of political parties, for the existing parties have been in activity for over 50 years since their formation before the foundation of the Republic and there is actually no public force that requires the formation of a new party. There are such political parties as the Workers' Party of Korea, the Korean Social Democratic Party and the Korean Chondoist Chongu Party.

130. The state encourages the establishment of the organizations for the promotion of human rights. The procedure of organization is the same as that of general public organizations under administrative regulation (Refer to paragraph 128). At present there are such human right bodies as the Institute for the Research of Human Rights, the Association for Assisting Handicapped persons, the Bar Association, the Democratic Lawyers' Association, etc. The trade unions, the Union of Agricultural Working People, the Women's Union, the General Federation of the Unions of Literature and Arts, the Committee for Afro-Asian Solidarity and other public organizations, too, have free activities for human rights.

131. There are two types of trade unions in the DPRK. One is the trade unions in the State institution, factory, enterprise or social, cooperative organizations and the other is the ones in private enterprise i.e. foreign enterprise. The former undertakes the role of a political organization. It is because the manual or brain workers of the State institution, factory, enterprise or social, cooperative organizations are not hired by but are masters of the institution, factory, enterprise or organization and have no need to conclude a collective contract with or to unfold a campaign to protect the right to work against the owners of enterprise. However, the employees of private enterprise i. e. foreign enterprise form their own trade union under article 21 of the Foreign Enterprise Law to protect their rights and interests in accordance with the labor law and regulations, conclude a contract concerning working conditions with the foreign enterprise and make activities to implement it.

132. If a public organization or a trade union seriously endangers the State security or healthy public order, the organization and activity is forbidden.

Article 23. Protection of the Family and Right to Marriage

133. Article 78 of the Constitution stipulates: "Marriage and the family shall be protected by the State." Under this provision of the Constitution, citizens have the right to marriage and the family is protected by the State.

Protection of Family

134. By article 3 of the Family Law, the family, the basic unit in society is under legal protection of the State. A family without registration of marriage is not found in the Republic since married life is not recognized without official registration under article 11, paragraph 2 of the Family Law. A child born out of wedlock is in the same position in relation to his or her parents as a child born in wedlock by article 25 of the Family Law. A family consisting either of

one parent and children or of stepparents and stepchildren are protected by the State, just like a family of both parents and children or a family of blood parents and children.

135. Great attention is paid to the protection of family in the DPRK.

(a) The Family Law establishes a series of regulations for the consolidation of family. Article 15 stipulates that consolidation of the family is a sure guarantee for the sound development of society, and defines the duty of a citizen to develop the family in a harmonious way. The Law underlines the sound relationship between family members: husband and wife, parents and children, stepparents and stepchildren, grandparents and the children without parents, brothers and sisters. Article 37 stipulates that a child who is under age or a person who has no ability to work is supported by a member of the family who has the ability to provide for him or her and that in case nobody is capable to do so in the family, either of the parents, children, grandparents, grandchildren, brothers or sisters, who live separately support him or her.

(b) Popular policies have been adopted for the protection of family. The family is the unit in the realization of the popular policies of the state to provide all working people with every condition for obtaining food, clothing and housing under article 25 of the Constitution. Article 6 of the Regulation on National Food Provision states that the state provides food to working members, minors and all other legally supported members of the family through the working members. Besides, the state provides working people with houses free of charge and takes various practical measures for the stable life of the family.

Right to Marriage and Family

136. Article 9 of the Family Law states: "In the DPRK the minimum age for marriage is 18 years for males and 17 years for females." Article 8 of the Family Law states: "Citizens are entitled to marry freely. Marriage shall be undertaken between a single male and a single female." Marriage is free based on a genuine love and the free consent of the spouses in the DPRK. Law prohibits marriage forced by monetary or other factors or tempted against the will of the parties.

137. In the DPRK, marriage, to be lawful, must go through the procedures prescribed by law. Article 11 of the Family Law stipulates: " Marriage shall be recognized legally and protected by the state only after it is properly registered at a registry office. In cases where the marriage is not registered, conjugal life shall be forbidden." Korean compatriots living abroad register their marriage at a consular representative office of the DPRK, or in the absence of such an office, at the relevant office in the given country in accordance with article 12 of the Family Law.

138. In the DPRK no legal ceremonies have been fixed for the validity of marriage. Religious people may have marriage in their own religious way. In this case too, registration is required.

139. The state provides legal restrictions to marriage. Article 13 of the Family Law provides: " Marriage that contravenes articles 8-10 of this law is null and void. A marriage may be declared invalid by the court." Under this provision such abnormal marriages are null and void as forced marriage without the full and free consent of both parties, marriage by those who already have a wife or a husband, marriage by minors, marriage within the same blood up to and

including the third cousin or between matrimonial relations up to and including the first cousin. The court decides invalidation of marriage. By article 14 of the law invalid marriage is regarded as not have ever been entered into. But the fostering of the children born in such wedlock follows the same procedures as in the case of a divorce.

140. The state provides the persons who are married and have formed a family with the right to give birth to children and live together. The state has adopted no legal measure for birth control.

Equality in the Rights and Obligations of Spouses

141. The state recognizes equal rights of spouses in the acquisition or lapse of citizenship, in the keeping of family name and given name. Article 11 of the Citizenship Law states: "The DPRK citizenship shall not change by marriage, divorce, adoption or its dissolution." By article 17 of the Family Law both husband and wife keep full name given to them and may choose occupations according to their wish and skills, and participate in social and political life.

142. Article 18 of the Family Law provides: "The husband and the wife shall have equal rights within the family." By article 19 of the Law the husband and the wife are duty-bound to support their partner should he or she have lost the ability to work. By articles 27 and 28 of the Law both parties are equally obliged as parents to take responsibility for and daily care of the health and physical development as well as education of their children. Besides, the husband and the wife have equal rights and obligations in property management and other housework.

143. Spouses have equal rights and obligations in the dissolution of marriage. Article 20 of the Family Law stipulates: " Conjugal relations shall end with divorce. A divorce may be granted only by the court." Divorce occurs when wedlock can no longer continue by the betrayal of love and confidence on the side of either party or by any other reason. The status registration authorities following the judgement of a court register divorce of the citizens.

144. When parents are divorced, the parent to foster children is decided upon with the consent of the parties, in consideration of the children's interests, or by the court if agreement is not reached, as prescribed by article 22 of the Family Law. Children under the age of 3 usually go to their mother if there is no inevitable reason. Article 23 of the law states that the party who fosters children is entitled to ask the other for the expense of the care up to the working age. The expense is decided in accordance with the number of children within the range of 10 to 30% of the monthly income.

Article 24. Protection of the Child

145. The Constitution provides for the protection of the rights of the child by stipulating the bringing up of the new generation into human beings equipped with rich knowledge, high virtue and strong body (article 45), provision of education to all pupils and students free of charge (article 47), nursing of all children of reschool age in crèches and kindergatens at state and public expense (article 49), consolidating and developing the system of universal free medical service (article 56), affording special protection to mothers and children (article 77), etc. The Law on Nursing and Upbringing of Children, the Public Health Law, the Civil Law, the Family Law

provide for various issues for the protection of the rights of the child. The state actively protects the rights of the child by requiring the institutions, enterprises and organizations to strictly observe and implement the laws of the state.

146. As far as criminal charges are concerned, the state has taken the measures of special protection for children by the Criminal Law in view of their status as minors. By article 11 of the Criminal Law, public education measures are imposed on juvenile offenders instead of criminal punishment under the responsibility of their parents and the educational institutions concerned.

147. Legal measures have been taken to keep minors from criminal offences. By article 132 of the Criminal Law a person who encourages a minor to commit or take part in a crime and thus to become delinquent shall be committed to a reform institution.

148. The state has adopted the policy of bringing up children at state and public expense. Article 2 of the Law on Nursing and Upbringing of Children states: "The DPRK rears all children in nurseries and kindergartens at state and public expense." This means that every child in the DPRK has the right to be cared for and educated in crèches and kindergartens, which is not obligatory by any means. Article 3 of the Law stipulates: " Even when children are at nursery age, parents are free to raise their children at their homes, instead of sending them to nurseries. However, one-year preschool education of the children given in the senior grade of kindergarten is their obligation as well as right for it is a part of the 11-year compulsory education. By article 16 of the Law on Nursing and Upbringing of Children, the children in creches and kindergartens are provided with various processed foodstuff and nutritious food including milk, meat, egg, fruit, vegetable, candy and biscuit, at the expense of the state and social, cooperative organizations.

149. A child without a supporter has the right to material assistance. Article 18 of the Law on Nursing and Upbringing of Children stipulates: "The state shall bring up in baby homes and orphanages the children who enjoy no parental care." After baby homes and orphanages, such children proceed to orphans' schools run at the expense of the state to get the 11-year compulsory education until their working age. The state has taken the measure to establish a special school for the children of stepparent in each province (or municipality directly under central authority) and to enroll the children who are not in harmony with their stepparent at the primary or senior middle school age to care and give them 11-year compulsory education at state and public expense.

150. Article 15 of the Labor Law stipulate: " In the DPRK the minimum working age is 16. Labor by children under the working age is prohibited by the state." The minimum age for labor has been decided on the ground that children finish 11-year compulsory education at the age of 16 and then proceed to higher education or launch into the community. Those who launch into the community are given vocational training for one year. Under the Regulation on Vocational Training School, factories and enterprises set up independent or sectoral vocational schools and farms city or county vocational schools so that the new graduates who have launched into the community are educated in technical skill and labor safety at state and public expense for up to 1 year before they join production activities. The Regulation stipulates that the

students of the vocational schools are prohibited from going to the site for production before the curriculum is over. Thus even if legal definition of the minimum working age is 16, the actual age of beginning to work is 17.

Right to Birth Registration and Name

151. Article 9 of the Law on Registration of Citizens states: " Birth registration shall be taken within 15 days from birth." The application for birth registration is submitted to the public security organ of the place of residence. Birth certificate is issued to the child whose birth is registered.

152. Every child has the right to name. Article 26 of the Family Law provides: "A child adopts the surname of its father. In cases where this is impossible, it takes the surname of its mother. The surname of a child who does not know the identity of its parents is decided by the population administration office."

Right to Citizenship

153. Every child is born with the right to citizenship. By article 5 of the Citizenship Law the DPRK citizenship is granted by birth to a child born between the DPRK citizens, a child born between a DPRK citizen and a foreign citizen or a stateless person residing in the DPRK, a child born in the DPRK but whose parents are unidentified. By article 7 of the Law the citizenship of a child born between a DPRK citizen and a foreign citizen both residing in a foreign country is determined as follows: The citizenship of a child under the age of 14 is determined in accordance with the express intention of his or her parents, and if parents are unknown, in accordance with that of his or her guardian. The citizenship of a minor who is over 14 is determined by the express intention of his or her parents and the consent of the minor and, if there are no parents, by the express intention of his or her guardian and the consent of the minor. If in this case the minor's intention is not in line with that of his or her parents or guardian, the minor's express intention is followed.

154. For details of the implementation of this article on the rights of the child, please refer to the initial report of the DPRK (CRC/C/3/ADD.41) which was considered at the 458-460th sessions of the UN Committee on the Rights of the Child held on May 20 and 22, 1998.

Article 25. Participation in Public Life

Right to Participation in Government

155. All citizens of the DPRK enjoy the right to participate in government according to their wish, through the People's Assemblies at all levels, including the Supreme People's Assembly. Article 4 of the Constitution stipulates: "The sovereignty of the DPRK resides in the workers, peasants, working intellectuals and all other working people. The working people exercise power through their representative organs – the Supreme People's Assembly and the local People's Assemblies at all levels." The Supreme People's Assembly and local People's Assemblies are true representative bodies of the people. They are composed of deputies, the representatives of the people elected on the democratic principle. Deputies to the Supreme

People's Assembly and local People's Assemblies are the servants serving the people. People's Assemblies are constituted by officials of political parties, public organizations or power organs, soldiers, labor innovators from factories, enterprises, and cooperative farms, people working in the fields of science, education, public health, literature and art, religionists and other representatives of all strata. The Supreme People's Assembly has among its deputies the workers of the General Association of Korean Residents in Japan (Chongryon) and its affiliated organizations. Industrial workers account for 31.3% and cooperative farmers 9.3% of the deputies to the 10th Supreme People's Assembly elected in 1998. The deputies to the organs of state power at all levels have close ties with their constituents and are accountable to them for their work, as prescribed by article 7 of the Constitution. The electors may always recall the deputies they have elected if the latter are not to be trusted.

Right to Vote and to be Elected

156. All citizens enjoy the right to vote and to be elected. Article 66 of the Constitution stipulates: "All citizens who have reached the age of 17 have the right to elect and to be elected, irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views or religion. Citizens serving in the armed forces also have the right to elect and to be elected. Article 2 of the Law on Education of Deputies, giving a concrete form to this Constitutional provision stipulates that the DPRK citizens residing in other countries shall also be entitled to be elected as deputies to the Supreme People's Assembly and in case the election to the Supreme People's Assembly takes place during their stay in the homeland they shall take part in voting if they want. All citizens are guaranteed effective protection against discrimination on any ground such as sex, nationality, occupation, length of residence, property, education, party affiliation, political view or religious belief in their exercise of their right to vote and to be elected. Of 687 deputies to the 10th Supreme People's Assembly, woman occupy 20.1%, the members of the Social Democratic Party 7.6%, members of the Chondoist Chongu Party 3.4%, and the independents 1.5%.

157. By article 66, paragraph 3 of the Constitution a person who has been disenfranchised by a court decision and a person legally certified insane do not have the right to elect or to be elected.

158. Election is subject to the principle of universal, equal and direct suffrage by secret ballot in the DPRK. Article 6 of the Constitution states: "The organs of state power at all levels, from the county People's Assembly to the Supreme People's Assembly, are elected on the principle of universal, equal and direct suffrage by secret ballot." The Law on Election of Deputies gives a concrete form to this Constitutional provision. Under article 3 of the Law, the elections to the people's assemblies are based on the principle of equality. Every elector has one ballot and every ballot has equal validity. Under article 4 of the Law the elections to the people's assemblies are direct. Citizens who have the right to vote elect deputies to the people's assemblies at all levels by direct vote. No one exercises the right to vote in place of others. Under article 5 of the Law voting at election to the people's assemblies is secret. Electors are ensured freedom to express yes or no in voting. No one is allowed to ask the electors about the result of their voting, exert pressure or make reprisals on them. Under the Law, elections to the people's assemblies at all levels are carried out by the election committees organized by the people from all strata recommended by political parties and public organizations.

159. DPRK citizens have the right to vote and to be elected periodically in conformity with law. Article 90 of the Constitution stipulates: "The Supreme People's Assembly is elected for a term of five years" and in article 133: "The term of office of the People's Assembly of the province (or municipality directly under central authority), city (or district) and county is four years." Under the Constitutional provision all the citizens of the DPRK periodically take part in the election of the Supreme People's Assembly deputies once every 5 years and the election of the deputies to local People's Assemblies once every 4 years.

Right to Public Service

160. Every citizen of the DPRK has the right to pubic service on equal terms. This right is provided by article 65 of the Constitution that ensures equal rights in all spheres of the state and public activities. Anyone who has passed the examination for capability estimation following the Regulation on Examination of Public Officials is entitled to have access to public service.

Article 26. Equality before the Law

161. All the citizens of the DPRK are equal before the law and enjoy, without any discrimination, the right to equal protection of the law. The Constitution and the laws that elaborate it guarantee this right. Article 65 of the Constitution provides: "Citizens enjoy equal rights in all spheres of state and public activity." The citizens of the DPRK exercise equal rights in all spheres of state and public activity without discrimination on any ground such as race, color, sex, language, religion, national or social origin, property, birth or other status. Foreigners in the territory of the DPRK are also guaranteed the legal rights and interests without any discrimination, as is stipulated in article 16 of the Constitution.

Article 27. Rights of Minorities

162. The DPRK is a country of one and single nation. So the issue of minorities does not exist in the DPRK.